

PLANNING BOARD MINUTES

January 13, 2010

Board members present:

Art Weber, Chairman Ron Wolanski, Town Planner

Betty Jane Owen Frank Holbrook, Assistant Town Solicitor

Richard Adams

Jan Eckhart

Frank Forgue

Gladys Lavine

Member absent:

Audrey Rearick

The meeting was called to order at 6:30 pm.

Minutes:

Motion by Mr. Adams, seconded by Ms. Owen, to approve the minutes of the December 9, 2009 regular Planning Board meeting. Vote: 6-0-0.

Correspondence:

- Mr. Weber noted that the planning board had received the Planning Department's monthly report for December 2009.**
- Mr. Weber stated that he has distributed to Board members copies of an article from the Sakonnet Times regarding a challenge to a decision by the Portsmouth Planning Board to approve a subdivision**

of land in Portsmouth owned by Rhode Island Nurseries.

New Business

1. Request of the Zoning Board of Review for an advisory recommendation on a special use permit application of Metro PCS, on behalf of the Town of Middletown, for installation of a wireless telecommunications facility at Gaudet Middle School, 1113 Aquidneck Ave., Plat 113, Lot 199.

Attorney Jackie Slaga, representing the applicant, described the proposal to install equipment to allow the applicant to operate at Gaudet Middle School. The antennas would be located with the existing flag pole. The equipment would be housed in a new fenced enclosure on the ground adjacent to an existing enclosure.

Mr. Adams asked about recent work he witnessed on the existing tower, and screening of the equipment on the ground.

Ms. Slaga stated that she was not aware of recent work at the tower, but it would not be associated with her client's application. Screening would include fencing and plantings similar to existing enclosure.

Ms. Owen asked about the color of the fence screening.

Ms. Slaga stated that she believed that the fence screening would be green.

Ms. Lavine asked why the flag on the flag pole/tower often is not raised to full staff.

Ms. Slaga stated that the School Department controls the flag.

The Board requested that Mr. Wolanski inquire with the School Department about the flag.

Motion by Ms. Owen, seconded by Mr. Forge, to forward a positive

recommendation regarding the special use permit application to the Zoning Board of Review. Vote: 6-0-0.

2. Request of the Zoning Board of Review for an advisory recommendation on a special use permit application of Cox TMI Wireless, LLC, on behalf of Gudwhite Corporate Place, LLC, for installation of a wireless telecommunications facility at 1 Corporate Place, Plat 106, Lot 170

Attorney Rock Sousa, representing the applicant, described the proposal to install a rooftop disguised facility at the subject location. Mr. Weber stated that the Board had recently reviewed an application by the same carrier for a facility on an adjacent building.

Mr. Sousa stated that the lease agreement for the prior location was not executed, and that proposed facility will not proceed.

There was discussion of the number of antennas that would be installed on the roof of the subject building with the facilities approved to date.

Mr. Sousa stated that with the installation of the current proposal facility, there would up to nine antennas, each within a faux vent pipe. Mr. Adams commented on the potential benefit of a shared tower versus the multiple roof-top facilities.

Mr. Sousa stated that the preference is generally for installation on existing buildings if possible.

Motion by Mr. Forgue, seconded by Ms. Owen, to forward a positive recommendation regarding the special use permit application to the Zoning Board of Review. Vote: 6-0-0.

Old Buisness

3. Public Hearing – Peter Gallipeau, Proposed 14 lot Major Subdivision, Bailey Ave. & Sachuest Drive, Plat 126, Lots 4, 217, 218, 219 Request for Preliminary Plan Approval.

Mr. Holbrook recused himself from the discussion of this matter.

Mr. Wolanski stated that the applicant continues to work to revise plans to address concerns from town staff. Once the revised plans are provided they will be forwarded to the TRC and PARE Corporation for review and comment. Mr. Wolanski referenced a letter submitted by Mr. Gallipeau, dated January 8, 2010, which indicates his approval of an extension of the statutory time limit for Planning Board action until the March regular Planning Board meeting.

Motion by Ms. Owen, seconded by Mr. Forgue, to continue the matter to the February 10, 2010 regular Planning Board meeting. Vote: 6-0-0.

4. Mark Horan, Horan Building Co., Request for final release of performance security and waiver of maintenance security requirement, Overlea Farm (Gosset's Turn Dr.) Subdivision

Mr. Horan was not present.

Mr. Wolanski stated that the Town Engineer has provide a memo certifying that the project is complete. The Board is asked to consider approving final release of the performance security and a recommendation to the Town Council that the road and improvements be accept for town maintenance.

Mr. Weber stated that the Board should not grant the waiver of the maintenance bond as requested by the developer.

Mr. Weber invited public input on the matter.

Derry Flynn, owner of 151 Gossets Turn Drive, stated that the he

believes that the repaving of the road adjacent to his property was not done correctly. Stormwater does not drain properly, causing ponding in the roadway.

Mr. Eckhart asked if there might be a structural defect in the work that should be corrected.

Mr. Wolanski stated that he has discussed this issue, which was first raised by another resident, Mr. Bradley, with the DPW Director, Mr. O'Loughlin. Mr. O'Loughlin stated that this issue is not the responsibility of the subdivision developer. The area of new pavement adjacent to Mr. Flynn's property is beyond the limits of the improvements depicted on the approved subdivision plans. The extension of the repaving area was requested by the DPW, and any issues should be addressed by the DPW. The Town Engineer has certified satisfactory completion of the subdivision improvements.

Mr. Weber stated that in the spring, and prior to the release of the maintenance bond, there will be inspections to ensure that the work completed is in good condition.

Motion by Mr. Adams, seconded by Ms. Owen, to approve the release of the performance bond, subject to the posting of the required maintenance bond, and to recommend to the Town Council that the subdivision road be accepted for town maintenance. Vote 6-0-0.

5. Consider recommendation to the Town Council on proposed revisions to the Town's floodplain management regulations, Middletown Zoning Ordinance, Article 10.

Mr. Wolanski stated that he has provided copies of the draft of the proposed ordinance amendment prepared by the solicitor's office. It

appears that the draft addresses all requirements outlined by FEMA and RIEMA. The board may wish to take time to review the document prior to providing a recommendation to the Town Council.

Motion by Mr. Adams, seconded by Mr. Eckhart, to continue the matter to the Board's February 10, 2010 meeting. Vote: 6-0-0.

6. Update - Comprehensive Community Plan 5-year update

Mr. Weber stated that the Comprehensive Plan Update committee continues its work to review and update the plan. The next meeting of the committee is scheduled for January 21st , 5pm.

Additional Business

• Mr. Weber stated that Mr. Forge has decided to not seek reappointment to the Planning Board. The Board extends its gratitude for his service.

Motion by Ms. Owen, seconded by Mr. Forgue, to adjourn. Vote: 6-0-0

The meeting adjourned at 6:55pm

Respectfully submitted:

Ronald M. Wolanski

Town Planner